



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

April 9, 2004

**Certified Mail**  
**Return Receipt Requested**

**Letter of Deficiency**  
**No. WMD 04-06**

Gary Downer  
Gary's Fuels, Inc.  
2830 Dartmouth College Highway  
North Haverhill, NH 03744

**SUBJECT: SWC 04-012; Route 10, North Haverhill, NH**

Dear Mr. Downer:

On March 20, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Gary's Fuels, Inc. ("Gary's") located at 2830 Dartmouth College Highway, North Haverhill, NH ("Site"). The purpose of the inspection was to determine Gary's compliance status with RSA 149-M and rules adopted pursuant thereto relative to the proper management of solid waste.

During the March 20, 2004 inspection, DES personnel observed or learned the following:

1. Gary's collects residential garbage from 8:00 a.m. to 8:00 p.m. daily, seven days per week, as well as operates an automobile fueling station.
2. The garbage is loaded into a compactor truck parked in the garage at the Site. The compactor truck is taken to the landfill when it is full.
3. Gary's charges residents \$2.00 per bag for solid waste disposal.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M, specifically:

RSA 149-M:9, I

Operating an unpermitted solid waste facility.

DES believes that the cited deficiencies can be corrected by completing one of the following requested actions within the time indicated:

1. Submit a completed Solid Waste Standard Permit application to DES **within 30 days** of receipt of this Letter of Deficiency; or

2. Operate the truck transfer station one day per week **and** submit a completed Solid Waste Permit by Notification application **within 30 days** of receipt of this Letter of Deficiency. Should you chose this option, please notify Michael Galuszka and advise him which day of the week Gary's will operate. Additionally, you will need to post a sign clearly visible to customers that solid waste will be accepted only on that day. Please be advised that the waste may not be stored at the collection site overnight per Env-Wm 2107.05(f); or

3. **Immediately** cease operating an unpermitted solid waste facility; remove all advertising and post a notice that solid waste is no longer accepted.

If the application is received by DES within 30 days, Gary's may continue to operate 7 days per week if you submit a Standard Permit application or 1 day per week if you submit a Permit by Notification for a Truck Transfer Station while the application is processed by DES.

Please address all questions regarding permits and permit applications to:

Michael Guilfooy, Solid Waste Management Bureau  
Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
e-mail: [mguilfooy@des.state.nh.us](mailto:mguilfooy@des.state.nh.us)  
telephone: 271-6467

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against Gary's including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Michael Galuszka at (603) 466-5389 or by e-mail at [mgaluszka@des.state.nh.us](mailto:mgaluszka@des.state.nh.us) if you have any questions or need further assistance. General correspondence to Mr. Galuszka should be sent to:

Department of Environmental Services  
Special Investigations Section  
80 Glen Road  
Gorham, NH 03581

Sincerely,



Kenneth W. Marschner  
Administrator  
Waste Management Programs

cc: DB/File  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Rule, DES Legal Unit  
Michael Guilfooy, SWMB  
Town Clerk, North Haverhill, NH

Enclosures: Env-Wm 2107.05, Permit by Notification, Solid Waste Facility Application